



Risk-Based Firearm Policy Recommendations for New Jersey

Prepared by:
The Educational Fund to Stop Gun Violence

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**Educational Fund to Stop Gun Violence
May 2016**

Additional Resources:

Consortium for Risk-Based Firearm Policy State Report:
Guns, Public Health, and Mental Illness: An Evidence-Based Approach for State Policy
<http://www.efsgv.org/wp-content/uploads/2014/10/Final-State-Report.pdf>

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Americans for Responsible Solutions: <http://americansforresponsiblesolutions.org/>

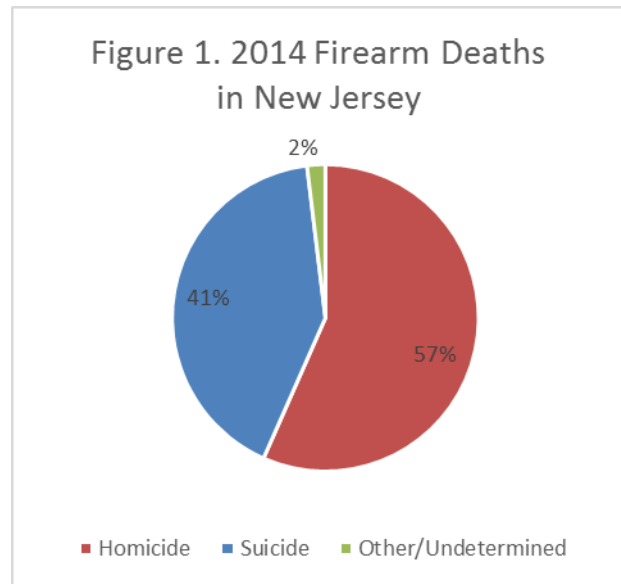
INTRODUCTION

Firearm violence takes a tragic toll on society. Recent data shows there are more than 81,000 nonfatal firearm injuries¹ and 33,000 deaths²—nearly two-thirds of which are suicides³—per year in the United States. Effective solutions to reduce gun violence demand a comprehensive, evidence-based strategy. The Consortium for Risk-Based Firearm Policy (Consortium), a group of the nation’s leading experts in public health, mental health, and gun violence prevention, came together in March 2013 to address this complex issue. These esteemed researchers, practitioners, and advocates developed evidence-based gun violence prevention policy recommendations to reduce access to firearms by people who are at an increased risk of dangerous behavior.

This analysis from the Educational Fund to Stop Gun Violence (Ed Fund) examines how New Jersey law compares to the Consortium’s recommendations and outlines steps New Jersey should take immediately to prohibit individuals at increased risk of dangerous behavior from accessing firearms. The evidence supporting these recommendations is presented in the full Consortium Report: *Guns, Public Health, and Mental Illness: An Evidence-Based Approach for State Policy*.⁴

I. THE PROBLEM: FIREARM DEATHS IN NEW JERSEY

In 2014, more people died from firearm-related injuries in New Jersey (468 total deaths)⁵ than from fires, drowning, terrorism, blunt injury, cutting or stabbing, and pedestrian deaths combined.⁶ Unlike national data, the majority of gun deaths in New Jersey are homicides⁷ (Figure 1), which accounted for 57% of all firearm deaths in New Jersey in 2014.⁸ While New Jersey’s firearm death rates are lower than the national rate (Figures 2, 3 and 4), there are far too many victims of gun violence in New Jersey.⁹



Source: CDC’s WISQARS™ (Web-based Injury Statistics Query and Reporting System).

“In 2014, more people died from firearm-related injuries in New Jersey than from fires, drowning, terrorism, blunt injury, cutting or stabbing, and pedestrian deaths combined.”

Figure 2. All Intentions Age-Adjusted Firearm Death Rate per 100,000

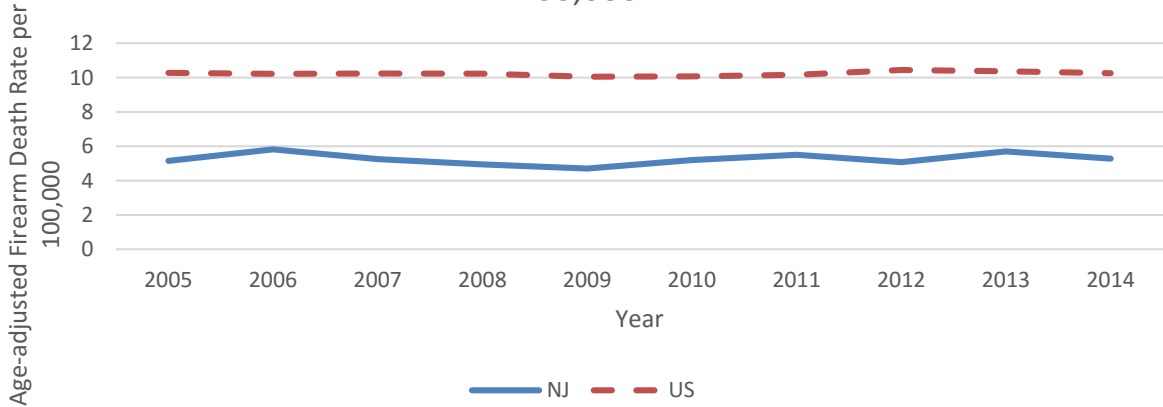


Figure 3. Suicide Age-Adjusted Firearm Death Rate per 100,000

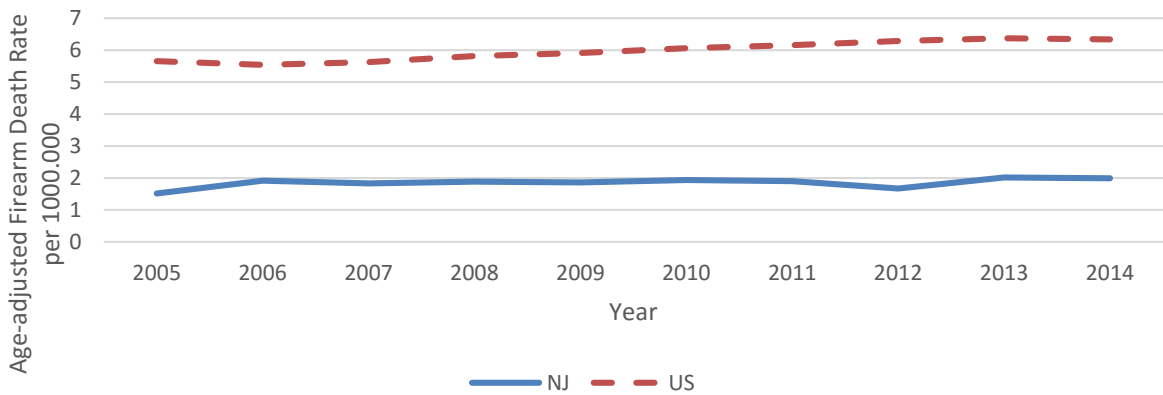
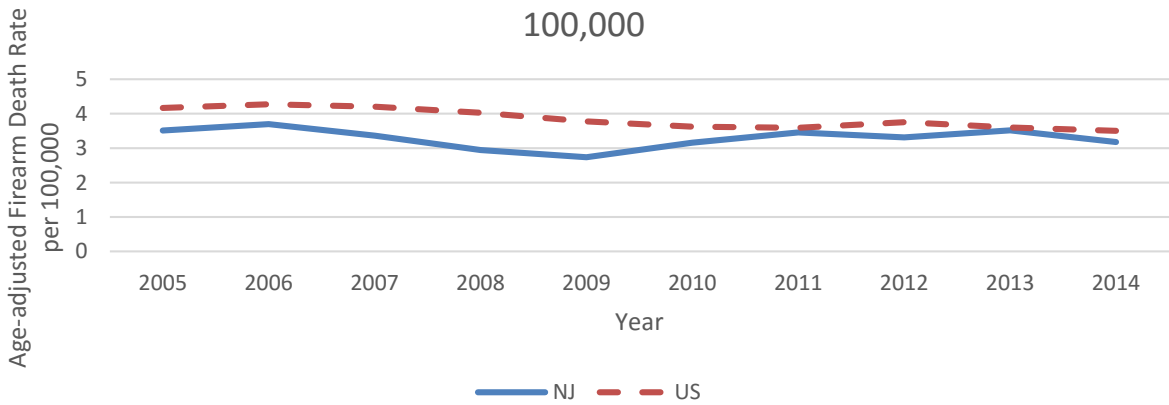


Figure 4. Homicide Age-Adjusted Firearm Death Rate per 100,000



Source: CDC's WISQARS™ (Web-based Injury Statistics Query and Reporting System). Fatal Injury Reports, 1999-2014, for National, Regional, and States

II. CONSORTIUM RECOMMENDATIONS & POLICY OPPORTUNITIES FOR NEW JERSEY

The discourse after horrific mass shootings often centers on the link between gun violence and mental illness. While research shows mental illness is strongly associated with suicide,^{10,11} the majority of mentally ill individuals will never be violent toward others.¹²⁻¹⁴ There are certain times when mentally ill persons are at increased risk of interpersonal violence, such as the time period surrounding an involuntary hospitalization,^{15, 16} but most people with common mental illnesses are not more violent than the general population without mental illness.¹⁷ Mental illness alone accounts for a very small proportion of societal violence (about 4%);¹⁸ therefore, policies must address other risk factors for dangerousness in order to reduce overall violence in society.^{19, 20} Aside from mental illness on its own, stronger predictors for interpersonal violence—including homicide—are a history of violence (violent misdemeanor crime convictions²¹ and domestic violence²²⁻²⁴), drug abuse,²⁵ and alcohol abuse.^{26,27}

The Consortium recommends states expand current federal firearm prohibitions to include broader risk factors for dangerousness. Policies addressing risk factors for dangerousness provide a comprehensive, evidence-based approach to gun violence prevention that does not stigmatize mental illness alone as the root cause of violence.

MENTAL HEALTH RISK FACTORS FOR DANGEROUSNESS

Evidence shows that while mental illness on its own is not a strong predictor for violent behavior toward others, there are circumstances when mental illness makes an individual more prone to violence. The first episode of psychosis, and the time period just before and after an involuntary hospitalization, for example.^{28, 29} Mental illness is strongly associated with self-harm, and common mental illnesses such as depression can increase risk of suicide.^{30, 31} Risk of suicide and access to firearms is particularly dangerous; 90% of attempted suicides by firearm are fatal.³² See below for the Consortium's recommendation regarding mental health risk factors for dangerousness.

Recommendation #1: Current state law should be strengthened to temporarily prohibit individuals from purchasing or possessing firearms after a short-term involuntary hospitalization. Concurrently, the process for restoring firearm rights should be clarified and improved.

- 1.1 States should enact new legislation temporarily prohibiting individuals from purchasing or possessing firearms after a short-term involuntary hospitalization. This prohibition should be predicated on a clinical finding of danger to self or danger to others.

1.2 Restoration of an individual’s ability to purchase or possess a firearm following a firearm disqualification due to mental illness should be based on an evaluation by a qualified clinician and a finding that the petitioner is unlikely to relapse and present a danger to self or others in the foreseeable future.

New Jersey Law

New Jersey law prohibits “...any person who has ever been committed for a mental disorder to any hospital, mental institution or sanitarium unless he possesses a certificate of a medical doctor or psychiatrist licensed to practice in New Jersey or other satisfactory proof that he is no longer suffering from a mental disorder which interferes with or handicaps him in the handling of a firearm...” from possessing a firearm.³³ New Jersey law further prohibits the issuance of a permit to purchase a handgun or a Firearms Purchaser Identification Card – which allows the purchase of rifles and shotguns – “[t]o any person who suffers from a physical defect or disease which would make it unsafe for him to handle firearms, to any person who has ever been confined for a mental disorder” on a temporary, interim or permanent basis, unless the person “produces a certificate of a medical doctor or psychiatrist licensed in New Jersey, or other satisfactory proof, that he is no longer suffering from that particular disability in such a manner that would interfere with or handicap him in the handling of firearms...”³⁴ New Jersey law does not appear to prohibit possession of firearms by persons who are taken into custody for up to 72 hours for screening to determine if the person is in need of involuntary commitment.³⁵

New Jersey currently meets or exceeds Consortium recommendation 1.2. New Jersey prohibits purchase of firearms by persons held for screening to determine if the person is in need of involuntary commitment. To address recommendation 1.1, New Jersey should clarify that such persons should be also be prohibited from possessing firearms.

OTHER RISK FACTORS FOR DANGEROUSNESS

As the majority of violence is related to factors other than mental illness alone, the Consortium recommends a risk-based approach to reducing violence, looking at other risk factors for dangerousness. A history of violence,^{36, 37} including violent misdemeanor convictions³⁸ and perpetration of domestic violence,³⁹⁻⁴¹ is the strongest predictor of violence toward others. Individuals who abuse alcohol are at increased risk of homicide and suicide,⁴² and research also shows that firearm owners are more likely to abuse alcohol.⁴³⁻⁴⁶ Studies also show that illegal use of controlled substances is related to an increased risk of violence.⁴⁷⁻⁵¹ The cognitive impairment associated with drug use also makes it difficult to

avoid violent conflict.⁵²⁻⁵⁴ See below for the Consortium’s recommendations regarding these other risk factors for dangerousness.

Recommendation #2: States should enact new prohibitions on individuals’ ability to purchase or possess a firearm that reflect evidence-based risk of dangerousness.

- 2.1 Individuals convicted of a violent misdemeanor should be prohibited from purchasing or possessing firearms for at least ten years.
- 2.2 Individuals who are subject to temporary domestic violence restraining orders should be prohibited from purchasing and possessing firearms for the duration of the temporary order.
- 2.2-A. Individuals who are subject to domestic violence restraining orders of any kind should have firearms removed.
- 2.3 Individuals convicted of two or more DWI or DUIs in a period of five years should be prohibited from purchasing and possessing firearms for at least five years.
- 2.4 Individuals convicted of two or more misdemeanor crimes involving controlled substances in a five-year period should be prohibited from purchasing or possessing firearms for at least five years.

New Jersey Law

New Jersey law prohibits the following from purchase or possession of a firearm:

- Persons convicted of violent misdemeanors;
- Persons subject to a restraining order issued pursuant to the “Prevention of Domestic Violence Act of 1991;”

New Jersey law prohibits possession of a firearm by “any person who has been convicted of other than a disorderly persons or petty disorderly persons offense for the unlawful use, possession or sale of a controlled dangerous substance...”⁵⁵

New Jersey law also prohibits purchase of a firearm by “drug dependent person[s].”⁵⁶

New Jersey law prohibits “... any person who is presently an habitual drunkard,” from purchasing, but not possessing, a firearm.⁵⁷

New Jersey law provides that a judge issuing a domestic violence restraining order may order the search for and seizure of any firearm or other weapon at any location where the judge has reasonable cause to believe the weapon is located. A judge issuing a temporary domestic violence restraining order may order “the search for and seizure of any such weapon at any location where the judge has reasonable cause to believe the weapon is located and the seizure of any firearms purchaser identification card or permit to purchase a handgun issued to the defendant.”

New Jersey currently meets or exceeds Consortium recommendations 2.1, and 2.2. To provide greater clarity, New Jersey should implement Consortium recommendation 2.3 to prohibit individuals convicted of two or more DUI/DWI offenses within a five-year period from purchasing or possessing a firearm for five years. New Jersey should also clarify the law by implementing recommendation 2.4, and prohibit purchase of firearms by persons convicted of two or more misdemeanor crimes involving controlled substances in a five-year period.

PERIODS OF CRISIS

Law enforcement and concerned family members need tools to temporarily suspend firearms access during periods of crisis. Connecticut⁵⁸ and Indiana⁵⁹ have discretionary gun-removal tools for law enforcement, and California⁶⁰ became the first state in the country to pass a law providing family members with a similar option. See below for the Consortium's recommendations regarding these periods of crisis.

Recommendation #3: Develop a mechanism to authorize law enforcement officers to remove firearms when they identify someone who poses an immediate threat of harm to self or others. States should also provide law enforcement with a mechanism to request a warrant authorizing gun removal when the risk of harm to self or others is credible, but not immediate. In addition, states should create a new civil restraining order process to allow family members and intimate partners to petition the court to authorize removal of firearms and temporarily prohibit firearm purchase and possession based on a credible risk of physical harm to self or others, even when domestic violence is not an issue.

- 3.1 Authorize law enforcement to remove guns from any individual who poses an immediate threat of harm to self or others.
- 3.2 Create a new civil restraining order process to allow private citizens to petition the court to request that guns be temporarily removed from a family member or intimate partner who poses a credible risk of harm to self or others. This process should mirror the restraining order process in most states and include a temporary *ex parte* order as well as a long-term order issued after a hearing in which the respondent had an opportunity to participate. Respondents to an order issued through this process (Gun Violence Restraining Order or GVRO) will be prohibited from purchasing and possessing guns for the duration of the order and required to relinquish all firearms in their possession for the duration of the order. Law enforcement officers should be able to request a warrant through this process to remove guns when there is a credible risk of harm that is not

immediate.

- 3.3 Include due process protections for affected individuals. Specifically, provide respondents with an opportunity to participate in a hearing after having their guns are removed by law enforcement (3.1) or through the GVRO process (3.2) and assure processes are in place for returning all removed guns at the conclusion of the temporary prohibition.

New Jersey Law

New Jersey law does not provide for the temporary removal of firearms from persons deemed by a court to be dangerous to themselves or others as provided in legislation like California's GVRO.

New Jersey should create a Gun Violence Restraining Order (GVRO) mechanism to enable law enforcement and family or household members to petition the court to temporarily prohibit an individual in crisis from purchasing or possessing firearms.

III. CONCLUSION

While New Jersey state law exceeds federal firearm prohibitions in many ways,⁶¹ New Jersey does not meet all the Consortium's risk-based firearm prohibitions. New Jersey should clarify the law to prohibit individuals who have been involuntarily hospitalized from possessing firearms, prohibit individuals convicted of two or more drug-related misdemeanors in a five-year period, prohibit individuals convicted of two or more DUI/DWI offenses within a five-year period from purchasing or possessing a firearm for five years, and create a GVRO mechanism. The recommendations in this report provide a blueprint for strengthening New Jersey state firearm policies by 1) expanding firearm prohibitions to encompass groups the research evidence shows are at heightened risk of committing violence and 2) developing mechanisms to allow for firearms to be removed from individuals who are at a serious risk of harm to self or others.

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- ¹ National Center for Injury Prevention and Control, CDC. (2013). Overall Firearm Gunshot Nonfatal Injuries and Rates per 100,000, United States. *Nonfatal Injury Reports, 2001 - 2014*. Retrieved April 27, 2016, from <http://www.cdc.gov/injury/wisqars/nonfatal.html>
- ² National Center for Injury Prevention and Control, CDC. (2016). 2002 - 2014, United States Firearm Deaths and Rates per 100,000. *Fatal Injury Reports 1999-2014, for National, Regional, and States (RESTRICTED)*. Retrieved April 27, 2016, from http://www.cdc.gov/injury/wisqars/fatal_injury_reports.html
- ³ National Center for Injury Prevention and Control, CDC. (2016). 2002 - 2014, United States Suicide Firearm Deaths and Rates per 100,000. *Fatal Injury Reports 1999-2014, for National, Regional, and States (RESTRICTED)*. Retrieved April 27, 2016, from http://www.cdc.gov/injury/wisqars/fatal_injury_reports.html
- ⁴ Consortium for Risk-Based Firearm Policy. (2013). *Guns, Public Health and Mental Illness: An Evidence-Based Approach for State Policy*. Retrieved from <http://www.efsgv.org/wp-content/uploads/2014/10/Final-State-Report.pdf>
- ⁵ National Center for Injury Prevention and Control, CDC. (2016). 2003-2014, New Jersey Firearm Deaths and Rates per 100,000. *Fatal Injury Reports 1999-2014, for National, Regional, and States (RESTRICTED)*. Retrieved April 27, 2016, from http://www.cdc.gov/injury/wisqars/fatal_injury_reports.html
- ⁶ National Center for Injury Prevention and Control, CDC. (2016). 2003-2014, New Jersey Deaths and Rates per 100,000. *Fatal Injury Reports 1999-2014, for National, Regional, and States (RESTRICTED)*. Retrieved April 27, 2016, from http://www.cdc.gov/injury/wisqars/fatal_injury_reports.html
- ⁷ National Center for Injury Prevention and Control, CDC. (2016). 2003-2014, New Jersey Homicide Firearm Deaths and Rates per 100,000. *Fatal Injury Reports 1999-2014, for National, Regional, and States (RESTRICTED)*. Retrieved April 27, 2016, from http://www.cdc.gov/injury/wisqars/fatal_injury_reports.html
- ⁸ National Center for Injury Prevention and Control, CDC. (2016). 2003-2014, New Jersey Firearm Deaths and Rates per 100,000. *Fatal Injury Reports 1999-2013, for National, Regional, and States (RESTRICTED)*. Retrieved April 27, 2016, from http://www.cdc.gov/injury/wisqars/fatal_injury_reports.html
- ⁹ National Center for Injury Prevention and Control, CDC. (2016). 2003-2014, New Jersey Suicide Firearm Deaths and Rates per 100,000. *Fatal Injury Reports 1999-2014, for National, Regional, and States (RESTRICTED)*. Retrieved April 27, 2016, from http://www.cdc.gov/injury/wisqars/fatal_injury_reports.html
- ¹⁰ Brown, G. K., Beck, A. T., Steer, R. A., & Grisham, J. R. (2000). Risk factors for suicide in psychiatric outpatients: a 20-year prospective study. *Journal of consulting and clinical psychology, 68*(3), 371-377.
- ¹¹ Malone, K. M., Haas, G. L., Sweeney, J. A., & Mann, J. J. (1995). Major depression and the risk of attempted suicide. *Journal of Affective Disorders, 34*(3), 173-185.
- ¹² Teplin, L. A., McClelland, G. M., Abram, K. M., & Weiner, D. A. (2005). Crime victimization in adults with severe mental illness: comparison with the national crime victimization survey. *Archives of general psychiatry, 62*(8), 911-921.
- ¹³ Elbogen, E. B., & Johnson, S. C. (2009). The Intricate Link Between Violence and Mental Disorder Results From the National Epidemiologic Survey on Alcohol and Related Conditions. *Archives of General Psychiatry, 66*(2), 152-161.
- ¹⁴ Van Dorn, R., Volavka, J., & Johnson, N. (2012). Mental disorder and violence: is there a relationship beyond substance use?. *Social Psychiatry and Psychiatric Epidemiology, 47*(3), 487-503.
- ¹⁵ Choe, J., Teplin, L., & Abram, K. (2008). Perpetration of violence, violent victimization, and severe mental illness: balancing public health concerns. *Psychiatric Services, 59*(2), 153-164.
- ¹⁶ McNiel, D., Weaver, C., & Hall, S. (2007). Base rates of firearm possession by hospitalized psychiatric patients. *Psychiatric Services, 58*(4), 551-553.
- ¹⁷ Swanson, J. W., Holzer, C. E., Ganju, V. K., & Jono, R. T. (1990). Violence and Psychiatric Disorder in the Community: Evidence From the Epidemiologic Catchment Area Surveys. *Psychiatric Services, 41*(7), 761-770.
- ¹⁸ Swanson JW, McGinty EE, Fazel S, Mays VM (2014). Mental illness and reduction of gun violence and suicide: bringing epidemiologic research to policy. *Annals of Epidemiology, S1047-2797*(14)00147-1. doi: 10.1016/j.annepidem.2014.03.004. [Epub ahead of print].
- ¹⁹ Swanson, J.W., Robertson A.G., Frisman L.K., Norko M.A., Lin H.J., Swartz M.S., Cook P.J. (2013). Preventing Gun Violence Involving People with Serious Mental Illness. *Reducing Gun Violence in America: Informing Policy with Evidence and Analysis*, 33-51.
- ²⁰ Appelbaum, P., & Swanson, J. (2010). Law & psychiatry: gun laws and mental illness: how sensible are the current restrictions?. *Psychiatric Services, 61*(7), 652-654.
- ²¹ Wintemute, G. J., Wright, M. A., Drake, C. M., & Beaumont, J. J. (2001). Subsequent criminal activity among violent misdemeanants who seek to purchase handguns. *JAMA: The Journal of the American Medical Association, 285*(8), 1019-1026.
- ²² Campbell, J. C., Webster, D., Koziol-McLain, J., Block, C., Campbell, D., Curry, M. A., ... & Laughon, K. (2003). Risk factors for femicide in abusive relationships: Results from a multisite case control study. *American journal of public health, 93*(7), 1089-1097.
- ²³ Zeoli, A. M., & Webster, D. W. (2010). Effects of domestic violence policies, alcohol taxes and police staffing levels on intimate partner homicide in large US cities. *Injury prevention, 16*(2), 90-95.

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- ²⁴ Campbell, J. C., Glass, N., Sharps, P. W., Laughon, K., & Bloom, T. (2007). Intimate partner homicide review and implications of research and policy. *Trauma, Violence, & Abuse, 8*(3), 246-269.
- ²⁵ Boles, S. M., & Miotto, K. (2003). Substance abuse and violence: A review of the literature. *Aggression and Violent Behavior, 8*(2), 155-174.
- ²⁶ Elbogen, E. B., & Johnson, S. C. (2009). The Intricate Link Between Violence and Mental Disorder Results From the National Epidemiologic Survey on Alcohol and Related Conditions. *Archives of General Psychiatry, 66*(2), 152-161.
- ²⁷ Webster, D. W., & Vernick, J. S. (2009). Keeping firearms from drug and alcohol abusers. *Injury Prevention, 15*(6), 425-427.
- ²⁸ Choe, J., Teplin, L., & Abram, K. (2008). Perpetration of violence, violent victimization, and severe mental illness: balancing public health concerns. *Psychiatric Services, 59*(2), 153-164.
- ²⁹ McNiel, D., Weaver, C., & Hall, S. (2007). Base rates of firearm possession by hospitalized psychiatric patients. *Psychiatric Services, 58*(4), 551-553.
- ³⁰ Brown, G. K., Beck, A. T., Steer, R. A., & Grisham, J. R. (2000). Risk factors for suicide in psychiatric outpatients: a 20-year prospective study. *Journal of consulting and clinical psychology, 68*(3), 371-377.
- ³¹ Malone, K. M., Haas, G. L., Sweeney, J. A., & Mann, J. J. (1995). Major depression and the risk of attempted suicide. *Journal of Affective Disorders, 34*(3), 173-185.
- ³² Miller, M., Azrael, D., & Hemenway, D. (2004). The epidemiology of case fatality rates for suicide in the northeast. *Annals of emergency medicine, 43*(6), 723-730.
- ³³ N.J. Stat. Ann. § 2C:39-7
- ³⁴ N.J. Stat. Ann. § 2C:58-3c(3) (West).
- ³⁵ N.J. Stat. Ann. §§ 30:4-27.6; 30:4-27.9c (West).
- ³⁶ Cook, P. J., Ludwig, J., & Braga, A. A. (2005). Criminal records of homicide offenders. *JAMA: The Journal of the American Medical Association, 294*(5), 598-601.
- ³⁷ Wintemute, G. J., Wright, M. A., Drake, C. M., & Beaumont, J. J. (2001). Subsequent criminal activity among violent misdemeanants who seek to purchase handguns. *JAMA: The Journal of the American Medical Association, 285*(8), 1019-1026.
- ³⁸ Wintemute, G. J., Wright, M. A., Drake, C. M., & Beaumont, J. J. (2001). Subsequent criminal activity among violent misdemeanants who seek to purchase handguns. *JAMA: The Journal of the American Medical Association, 285*(8), 1019-1026.
- ³⁹ Campbell, J. C., Webster, D., Koziol-McLain, J., Block, C., Campbell, D., Curry, M. A., ... & Laughon, K. (2003). Risk factors for femicide in abusive relationships: Results from a multisite case control study. *American journal of public health, 93*(7), 1089-1097.
- ⁴⁰ Zeoli, A. M., & Webster, D. W. (2010). Effects of domestic violence policies, alcohol taxes and police staffing levels on intimate partner homicide in large US cities. *Injury prevention, 16*(2), 90-95.
- ⁴¹ Campbell, J. C., Glass, N., Sharps, P. W., Laughon, K., & Bloom, T. (2007). Intimate partner homicide review and implications of research and policy. *Trauma, Violence, & Abuse, 8*(3), 246-269.
- ⁴² Rivara, F. P., Mueller, B. A., Somes, G., Mendoza, C. T., Rushforth, N. B., & Kellermann, A. L. (1997). Alcohol and illicit drug abuse and the risk of violent death in the home. *JAMA: The Journal of the American Medical Association, 278*(7), 569-575.
- ⁴³ Wintemute, G. J. (2011). Association between firearm ownership, firearm-related risk and risk reduction behaviours and alcohol-related risk behaviours. *Injury prevention, 17*(6), 422-427.
- ⁴⁴ Miller, M., Hemenway, D., & Wechsler, H. (2002). Guns and gun threats at college. *Journal of American College Health, 51*(2), 57-65.
- ⁴⁵ Miller, M., Hemenway, D., & Wechsler, H. (1999). Guns at college. *Journal of American College Health, 48*(1), 7-12.
- ⁴⁶ Miller, M., Hemenway, D., & Wechsler, H. (2002). Guns and gun threats at college. *Journal of American College Health, 51*(2), 57-65.
- ⁴⁷ Affi, T. O., Henriksen, C. A., Asmundson, G. J., & Sareen, J. (2012). Victimization and perpetration of intimate partner violence and substance use disorders in a nationally representative sample. *The Journal of nervous and mental disease, 200*(8), 684-691
- ⁴⁸ Friedman, A. S. (1999). Substance use/abuse as a predictor to illegal and violent behavior: A review of the relevant literature. *Aggression and Violent Behavior, 3*(4), 339-355.
- ⁴⁹ Auerhahn, K., & Parker, R. N. (1999). Drugs, alcohol, and homicide. *Studying and preventing homicide: Issues and challenges, 97-114.*
- ⁵⁰ Borges, G., Walters, E. E., & Kessler, R. C. (2000). Associations of substance use, abuse, and dependence with subsequent suicidal behavior. *American Journal of Epidemiology, 151*(8), 781-789.
- ⁵¹ Boles, S. M., & Miotto, K. (2003). Substance abuse and violence: A review of the literature. *Aggression and Violent Behavior, 8*(2), 155-174.
- ⁵² Miller, M. M., & Potter-Efron, R. T. (1990). Aggression and violence associated with substance abuse. *Journal of Chemical Dependency Treatment, 3*(1), 1-35.
- ⁵³ Davis, W. M. (1996). Psychopharmacologic violence associated with cocaine abuse: Kindling of a limbic dyscontrol syndrome?. *Progress in Neuro-Psychopharmacology and Biological Psychiatry, 20*(8), 1273-1300.

⁵⁴ Friedman, A. S. (1999). Substance use/abuse as a predictor to illegal and violent behavior: A review of the relevant literature. *Aggression and Violent Behavior*, 3(4), 339-355.

⁵⁵ N.J. Stat. Ann. § 2C:39-7a,b(2) (West).

⁵⁶ N.J. Stat. Ann. § 2C:58-3 (West).

⁵⁷ N.J. Stat. Ann. § 2C:58-3c(2), (3) (West).

⁵⁸ CONN. GEN. STAT. § 29-38c.

⁵⁹ IND. CODE ANN. § 35-47-14.

⁶⁰ *Assembly Bill No. 1014*. (2014). Retrieved from California Legislative Information AB-1014 Gun violence restraining orders: https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140AB1014

⁶¹ Law Center to Prevent Gun Violence. (2015). Prohibited Purchasers Generally in New Jersey. Retrieved April 27, 2016, from <http://smartgunlaws.org/new-jersey-state-law-summary/>

Appendix I.

An analysis of current New Jersey law and the corresponding Consortium recommendations is provided in the table below.

Consortium Recommendation #1: Mental Health Risk Factors for Dangerousness	
1.1: Prohibit individuals following a short-term involuntary hospitalization from purchasing or possessing a firearm.	
Summary of Current Statute & Recommendation	
<ul style="list-style-type: none">• NJ does prohibit persons who have been involuntarily hospitalized from purchasing a firearm, but does not prohibit possession.• Recommendation: New Jersey should clarify that persons held for screening should be prohibited from purchasing and possessing firearms.	
Current Statute	
<p style="text-align: center;">2C:39-7. Certain persons not to have weapons <i>N.J. Stat. Ann. § 2C:39-7 (West)</i></p> <p>...any person who has ever been committed for a mental disorder to any hospital, mental institution or sanitarium unless he possesses a certificate of a medical doctor or psychiatrist licensed to practice in New Jersey or other satisfactory proof that he is no longer suffering from a mental disorder which interferes with or handicaps him in the handling of a firearm...</p> <p style="text-align: center;">2C:58-3. Purchase of Firearms <i>N.J. Stat. Ann. § 2C:58-3 (West)</i></p> <p>c. Who may obtain. No person of good character and good repute in the community in which he lives, and who is not subject to any of the disabilities set forth in this section or other sections of this chapter, shall be denied a permit to purchase a handgun or a firearms purchaser identification card, except as hereinafter set forth. No handgun purchase permit or firearms purchaser identification card shall be issued:</p> <p>(3) To any person who suffers from a physical defect or disease which would make it unsafe for him to handle firearms, to any person who has ever been confined for a mental disorder, or to any alcoholic unless any of the foregoing persons produces a certificate of a medical doctor or psychiatrist licensed in New Jersey, or other satisfactory proof, that he is no longer suffering from that particular disability in such a manner that would interfere with or handicap him in the handling of firearms; to any person who knowingly falsifies any information on the application form for a handgun purchase permit or firearms purchaser identification card;</p> <p>(5) To any person where the issuance would not be in the interest of the public health, safety or welfare;</p> <p>e. Applications. Applications for permits to purchase a handgun and for firearms purchaser identification cards shall be in the form prescribed by the superintendent and ... shall state whether the applicant ... has ever been confined or committed to a mental institution or hospital for treatment or observation of a mental or psychiatric condition on a temporary, interim or permanent basis, giving the name and location of the institution or hospital and the dates of such confinement or commitment, whether he has been attended, treated or observed by any doctor or psychiatrist or at any hospital or mental institution on an inpatient or outpatient basis for any mental or psychiatric condition, giving the name and location of the doctor, psychiatrist, hospital or institution and the dates of such occurrence...</p>	

1.2: Refine the restoration process to include evidence from a clinician that the petitioner is unlikely to be a danger to themselves or others in the foreseeable future.

Summary of Current Statute & Recommendation

- NJ requires that petitioner seeking relief from disability to undergo a clinical evaluation and risk assessment.
- **Recommendation:** None. NJ meets or exceeds the Consortium recommendation.

Current Statute

2C:58-3. Purchase of firearms
N.J. Stat. Ann. § 2C:58-3 (West)

c. Who may obtain. No person of good character and good repute in the community in which he lives, and who is not subject to any of the disabilities set forth in this section or other sections of this chapter, shall be denied a permit to purchase a handgun or a firearms purchaser identification card, except as hereinafter set forth. No handgun purchase permit or firearms purchaser identification card shall be issued:

(3) To any person who suffers from a physical defect or disease which would make it unsafe for him to handle firearms, to any person who has ever been confined for a mental disorder, or to any alcoholic unless any of the foregoing persons produces a certificate of a medical doctor or psychiatrist licensed in New Jersey, or other satisfactory proof, that he is no longer suffering from that particular disability in such a manner that would interfere with or handicap him in the handling of firearms; to any person who knowingly falsifies any information on the application form for a handgun purchase permit or firearms purchaser identification card;

2C:39-7. Certain persons not to have weapons
N.J. Stat. Ann. § 2C:39-7 (West)

...any person who has ever been committed for a mental disorder to any hospital, mental institution or sanitarium unless he possesses a certificate of a medical doctor or psychiatrist licensed to practice in New Jersey or other satisfactory proof that he is no longer suffering from a mental disorder which interferes with or handicaps him in the handling of a firearm...

Consortium Recommendation #2: Other Risk Factors for Dangerousness

2.1: Prohibit individuals convicted of a violent misdemeanor from purchasing or possessing a firearm for at least ten years.

Summary of Current Statute & Recommendation

- NJ permanently prohibits those who have been convicted of a violent misdemeanor from purchasing or possessing a firearm.
- **Recommendation:** None. NJ meets or exceeds the Consortium recommendation.

Current Statute

2C:39-7. Certain persons not to have weapons
N.J. Stat. Ann. § 2C:39-7 (West)

a. Except as provided in subsection b. of this section, any person, having been convicted in this State or elsewhere of the crime of aggravated assault, arson, burglary, escape, extortion, homicide, kidnapping, robbery, aggravated sexual assault, sexual assault, bias intimidation in violation of N.J.S.2C:16-1 or endangering the welfare of a child pursuant to N.J.S.2C:24-4, whether or not armed with or having in his possession any weapon enumerated in subsection r. of N.J.S.2C:39-1...

b. ... (2) A person having been convicted in this State or elsewhere of a disorderly persons offense involving domestic violence, whether or not armed with or having in his possession a weapon enumerated in subsection r. of N.J.S.2C:39-1, who purchases, owns, possesses or controls a firearm is guilty of a crime of the third degree.

2.2: Prohibit individuals subject to a temporary domestic violence restraining order from purchasing or possessing a firearm for the duration of the order.

Summary of Current Statute & Recommendation

- Under NJ law, the respondent to a temporary order of protection shall not be able to apply to for a permit to purchase firearms.
- **Recommendation:** None. NJ meets or exceeds the Consortium recommendation for the temporary restraining order.

Current Statute

2c:25-28. Complaint by victim; emergency relief; temporary restraining orders; service of process

N.J. Stat. Ann. § 2C:25-28 (West)

j. Emergency relief may include forbidding the defendant from returning to the scene of the domestic violence, forbidding the defendant from possessing any firearm or other weapon enumerated in subsection r. of [N.J.S.2C:39-1](#), ordering the search for and seizure of any such weapon at any location where the judge has reasonable cause to believe the weapon is located and the seizure of any firearms purchaser identification card or permit to purchase a handgun issued to the defendant and any other appropriate relief.

2C:25-29. Hearing; factors considered; orders for relief

N.J. Stat. Ann. § 2C:25-29 (West)

b. In proceedings in which complaints for restraining orders have been filed, the court shall grant any relief necessary to prevent further abuse. In addition to any other provisions, any restraining order issued by the court shall bar the defendant from purchasing, owning, possessing or controlling a firearm and from receiving or retaining a firearms purchaser identification card or permit to purchase a handgun pursuant to N.J.S.2C:58-3 during the period in which the restraining order is in effect or two years whichever is greater ...

2C:39-7. Certain persons not to have weapons

N.J. Stat. Ann. § 2C:39-7 (West)

(3) A person whose firearm is seized pursuant to the "Prevention of Domestic Violence Act of 1991," P.L.1991, c. 261 (C.2C:25-17 et seq.) and whose firearm has not been returned, or who is subject to a court order prohibiting the possession of firearms issued pursuant to the "Prevention of Domestic Violence Act of 1991," P.L.1991, c.261 (C.2C:25-17 et seq.) who purchases, owns, possesses or controls a firearm is guilty of a crime of the third degree ...

2C:58-3. Purchase of firearms

N.J. Stat. Ann. § 2C:58-3 (West)

c. Who may obtain. No person of good character and good repute in the community in which he lives, and who is not subject to any of the disabilities set forth in this section or other sections of this chapter, shall be denied a permit to purchase a handgun or a firearms purchaser identification card, except as hereinafter set forth. No handgun purchase permit or firearms purchaser identification card shall be issued:

(6) To any person who is subject to a restraining order issued pursuant to the "Prevention of Domestic Violence Act of 1991," P.L.1991, c. 261 (C.2C:25-17 et seq.) prohibiting the person from possessing any firearm;

2.2-A: Remove firearms from persons subject to any type of domestic violence restraining order.

Summary of Current Statute & Recommendation

- Under NJ law, a judge may order the removal of firearms from subjects of domestic violence restraining orders.
- **Recommendation:** None. NJ meets or exceeds the Consortium recommendation for the temporary restraining order.

Current Statute

2C:25-28. Complaint by victim; emergency relief; temporary restraining orders; service of process
N.J. Stat. Ann. § 2C:25-28(West)

j. Emergency relief may include ... ordering the search for and seizure of any such weapon at any location where the judge has reasonable cause to believe the weapon is located and the seizure of any firearms purchaser identification card or permit to purchase a handgun issued to the defendant and any other appropriate relief.

2C:25-29. Hearing; factors considered; orders for relief
N.J. Stat. Ann. § 2C:25-29 (West)

b. ... At the hearing the judge of the Family Part of the Chancery Division of the Superior Court may issue an order granting any or all of the following relief:

(16) In addition to the order required by this subsection prohibiting the defendant from possessing any firearm, the court may also issue an order prohibiting the defendant from possessing any other weapon enumerated in subsection r. of N.J.S.2C:39-1 and ordering the search for and seizure of any firearm or other weapon at any location where the judge has reasonable cause to believe the weapon is located. The judge shall state with specificity the reasons for and scope of the search and seizure authorized by the order.

2.3: Prohibit individuals convicted of two or more DUI or DWIs within a five-year period from purchasing or possessing firearms for at least five years.

Summary of Current Statute & Recommendation

- NJ prohibits those who are habitual drunkards or alcoholics from obtaining a permit to purchase firearms.
- **Recommendation:** Recommend implementing Consortium recommendation 2.3 to prohibit individuals convicted of two or more DUI/DWI offenses within a five-year period from purchasing or possessing a firearm for five years.

Current Statute

2C:58-3. Purchase of firearms
N.J. Stat. Ann. § 2C:58-3 (West)

c. Who may obtain. No person of good character and good repute in the community in which he lives, and who is not subject to any of the disabilities set forth in this section or other sections of this chapter, shall be denied a permit to purchase a handgun or a firearms purchaser identification card, except as hereinafter set forth. No handgun purchase permit or firearms purchaser identification card shall be issued:

- (2) To any drug dependent person as defined in section 2 of P.L.1970, c. 226 (C.24:21-2), to any person who is confined for a mental disorder to a hospital, mental institution or sanitarium, or to any person who is presently an habitual drunkard;
- (3) To any person who suffers from a physical defect or disease which would make it unsafe for him to handle firearms, to any person who has ever been confined for a mental disorder, or to any alcoholic unless

any of the foregoing persons produces a certificate of a medical doctor or psychiatrist licensed in New Jersey, or other satisfactory proof, that he is no longer suffering from that particular disability in such a manner that would interfere with or handicap him in the handling of firearms; to any person who knowingly falsifies any information on the application form for a handgun purchase permit or firearms purchaser identification card;

2.4: Prohibit individuals convicted of two or more misdemeanor drug crimes within a five- year period from purchasing or possessing firearms for at least five years.

Summary of Current Statute & Recommendation

- NJ has a drug-related misdemeanor firearm possession prohibition following a conviction and a purchase prohibition for “drug dependent” persons.
- **Recommendation:** New Jersey should clarify the law to prohibit purchase and possession of firearms by persons convicted of two or more misdemeanor drug crimes within a five year period.

Current Statute

2C:58-3. Purchase of firearms
N.J. Stat. Ann. § 2C:58-3 (West)

c. Who may obtain. No person of good character and good repute in the community in which he lives, and who is not subject to any of the disabilities set forth in this section or other sections of this chapter, shall be denied a permit to purchase a handgun or a firearms purchaser identification card, except as hereinafter set forth. No handgun purchase permit or firearms purchaser identification card shall be issued:

(2) To any drug dependent person as defined in section 2 of P.L.1970, c. 226 (C.24:21-2)...

24:21-2. Definitions
N.J. Stat. Ann. § 24:21-2 (West)

“Drug dependent person” means a person who is using a controlled dangerous substance and who is in a state of psychic or physical dependence, or both, arising from the use of that controlled dangerous substance on a continuous basis. Drug dependence is characterized by behavioral and other responses, including but not limited to a strong compulsion to take the substance on a recurring basis in order to experience its psychic effects, or to avoid the discomfort of its absence.

2C:39-7. Certain persons not to have weapons
N.J. Stat. Ann. § 2C:39-7 (West)

...any person who has been convicted of other than a disorderly persons or petty disorderly persons offense for the unlawful use, possession or sale of a controlled dangerous substance as defined in N.J.S.2C:35-2 who purchases, owns, possesses or controls any of the said weapons is guilty of a crime of the fourth degree.

Consortium Recommendation #3: Periods of Crisis

3.1-3.3: Create a Gun Violence Restraining Order (GVRO) mechanism to enable law enforcement, family members, and intimate partners to petition the court to temporarily prohibit an individual in crisis from purchasing or possessing firearms.

Summary of Current Statute & Recommendation

- There is no mechanism for law enforcement to apply for a warrant to remove firearms in New Jersey based on risk of dangerousness.
- There is no civil mechanism for private citizens to petition the court to remove firearms. Nor is there a mechanism for private citizens to contact law enforcement to petition the removal of guns for the broader dangerous behaviors we identify in the state report.
- **Recommendation:** Recommend implementing Consortium recommendations 3.1, 3.2, and 3.3.

Current Statute

n/a